

**REGULAR MEETING OF THE TOWN COUNCIL
HICKORY CREEK TOWN HALL
1075 RONALD REAGAN, HICKORY CREEK, TEXAS
MONDAY, AUGUST 23, 2021**

MINUTES

Call to Order

Mayor Clark called the meeting to order at 6:01 p.m.

Roll Call

The following members were present:

Mayor Lynn Clark
Councilmember Randy Gibbons
Councilmember Richard DuPree
Councilmember Chris Gordon
Mayor Pro Tem Paul Kenney
Councilmember Ian Theodore

Also in attendance:

John M. Smith, Jr., Town Administrator
Kristi K. Rogers, Town Secretary
Carey Dunn, Chief of Police
Trey Sargent, Town Attorney

Pledge of Allegiance to the U.S. And Texas Flags

Mayor Clark led the Pledge of Allegiance to the U.S. and Texas Flags.

Invocation

Councilmember Gibbons gave the invocation.

Proclamations

1. September 2021 as "Live United Month"

Mayor Clark proclaimed September 2021 to be "LIVE UNITED MONTH" in the Town of Hickory Creek. Gary Henderson and Patricia Sherman accepted the proclamation on behalf of United Way of Denton County.

Items of Community Interest

Thanks to the Hickory Creek Police Department for responding to a caller who needed assistance on Lake Lewisville. The caller was very appreciative of the officer's timely response.

The fundraiser held by Angelina's Don Louis', Don Camillo Tuscan Grill and Elm Fork Taphouse and Kitchen benefiting the Hickory Creek Animal Shelter raised \$1,000.00.

Public Comment

Stephen Richardson, Lake Dallas Independent School District Board of Trustees, thanked the council for the invitation to introduce himself. He was elected as a trustee in May. The key to success is partnerships with the communities in the district and there is none better than the partnership with the Town of Hickory Creek. The best is yet to come for LDISD. The board is excited with the new school superintendent, Dr. Rockwood, and the path he is taking the district.

Alicia McKinley, Lake Dallas Independent School District Board of Trustees, thanked the council for the invitation to introduce herself. She hopes to get to know the Mayor and councilmembers outside of meetings to build relationships which are key for the students. She ran for trustee because she cares about the students futures and that they are prepared because someday they could serve the communities.

Ron Furtick, 1500 Turbeville Road, stated he wants to work together at some point to develop a downtown for Hickory Creek. The last time he spoke at a council meeting, Mr. Furtick, felt like he was not allowed to get his thoughts out and those who know him, know he likes to get his thoughts out and to be heard because he feels occasionally, he's right. He truly and deeply wants to work with the council because time is running out, and it is the only way anything will be accomplished.

Nancy True, 12 Tanglewood Drive, stated her solar panel system is extremely unique, it is not your typical system. She had an engineer inspect the system when she moved to Hickory Creek two years ago and at that time was not considered the standard solar panel system. She would like to know how the ordinance council is considering would affect her panels.

Consent Agenda

2. July 2021 Council Meeting Minutes
3. July 2021 Financial Statements
4. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2021 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No.1 including the collection of the 2021 annual installments.
5. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2021 annual update to the service and assessment plan and assessment roll for Hickory Creek Public Improvement District No.2 including the collection of the 2021 annual installments.
6. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas approving the 2021 annual update to the service and assessment plan and assessment roll for Hickory Creek Farms Public Improvement District including the collection of the 2021 annual installments.

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7. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3: Building Regulations, by amending Article 3.11: Solar Panel Standards; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances.

Councilmember Gordon requested item 7 be pulled from the consent agenda for separate discussion.

State legislators passed a bill limiting the authority a city has regulating the placement of solar panels.

Motion made by Councilmember Gordon to approve an ordinance of the Town Council of the Town of Hickory Creek, Texas, amending the Code of Ordinances of the Town of Hickory Creek, Texas, Chapter 3: Building Regulations, by amending Article 3.11: Solar Panel Standards; providing for incorporation of premises; providing findings; providing for amendments to the Code of Ordinances revising the language from professional engineer to structural engineer or its equivalent, Seconded by Councilmember Theodore. Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

8. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas authorizing the Town Administrator of the Town of Hickory Creek, Texas to execute an interlocal agreement by and between the Town of Hickory Creek and Span, Inc. concerning transportation services.
9. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas, hereby ratifying an agreement between the Town of Hickory Creek and Build by I-Codes concerning inspection services and the corresponding charges.

Motion made by Councilmember Gibbons to approve consent items 2-6, 8 and 9, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Councilmember Theodore.

Voting Nay: Mayor Pro Tem Kenney. Motion passed.

Regular Agenda

10. Conduct a public hearing regarding a request from LG Acquisitions, LLC. on behalf of Shirley Mae Goldfield, Richard Goldfield, Brian Goldfield, and Susan Goldfield to amend the current PD (Planned Development) zoning designation on a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in Denton County, Texas, and being part of a called 36.253 acre tract of land described as "Tract 1" and part of a called 3.2515 acre tract of land described as "Tract 2" in Executor's Deed to Richard Goldfield, Brian Goldfield and Susan Goldfield, recorded in Instrument Number 2019-36351 of the Official Public Records of Denton County, Texas and consider and act on an ordinance adopting the same.

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Mike Galindo, Leon Capital Group, provided an overview of the proposed amendments to the current zoning and answered questions from the town council.

Mayor Clark called the public hearing to order at 6:33 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 6:33 p.m.

Motion made by Councilmember Gordon to approve an ordinance adopting and amending the current PD (Planned Development) zoning designation on a 24.31 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in Denton County, Texas, and being part of a called 36.253 acre tract of land described as “Tract 1” and part of a called 3.2515 acre tract of land described as “Tract 2” in Executor’s Deed to Richard Goldfield, Brian Goldfield and Susan Goldfield, recorded in Instrument Number 2019-36351 of the Official Public Records of Denton County, Texas, with the following language to be added to the ordinance; a minimum of 65% single bedroom units, the hike and bike trail and dog park completely developed and improved prior to dedication to the Town; dog park to include installation of a sanitation station, bench and double gated entry. Seconded by Councilmember Theodore.

Friendly amendment proposed by Councilmember Gibbons to make an amendment to the motion by Councilmember Gordon to remove from the site plan the western portion that states future rental units, Seconded by Mayor Pro Tem Kenney, and accepted by Councilmembers Gordon and Theodore.

Motion made by Mayor Pro Tem Kenney to amend the friendly amended motion to prohibit the construction of buildings within the portion of Exhibit B, that is light green, along the western property boundary, Seconded by Councilmember DuPree.

Voting Yea on the amendment to the friendly amended motion: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

Voting Yea on the original motion as amended: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

11. Conduct a public hearing regarding the voluntary annexation of an 18.786 acre tract of land situated in the H.H. Swisher Survey, Abstract No. 1220 in Denton County, Texas, and being part of that tract of land conveyed to CTMGT Turbeville, LLC by Special Warranty Deed, as recorded in Instrument 2011-121574, official public record, Denton County, Texas.

Mayor Clark called the public hearing to order at 7:27 p.m.

Motion made by Mayor Pro Tem Kenney to keep the public hearing open and continue it to the next town council meeting on September 13, 2021, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

12. Conduct a public hearing regarding the creation of a Public Improvement District concerning 18.786 acres of land in the Town's ETJ owned by Reserve at Hickory Creek, LLC. and generally located at 1745 Turbeville Road.

Mayor Clark called the public hearing to order at 7:27 p.m.

Motion made by Mayor Pro Tem Kenney to keep the public hearing open and continue it to the next town council meeting on September 13, 2021, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

13. Conduct a public hearing regarding the 2021-2022 Fiscal Year Budget.

Mayor Clark called the public hearing to order at 7:28 p.m. With no one wishing to speak, Mayor Clark closed the public hearing at 7:28 p.m.

14. Consider and act on an ordinance of the Town Council of the Town of Hickory Creek adopting and approving the budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022; providing for expenditure of funds, providing for filing of budget and ordinance.

Motion made by Mayor Pro Tem Kenney to approve an ordinance adopting and approving the budget for the fiscal year beginning October 1, 2021 and ending September 30, 2022; providing for expenditure of funds, providing for filing of budget and ordinance, Seconded by Councilmember Gibbons.

A roll call vote was taken. Councilmember Gibbons voted yea, Councilmember DuPree voted yea, Councilmember Gordon voted yea, Mayor Pro Tem Kenney voted yea, Councilmember Theodore voted yea. Motion passed unanimously.

15. Consider and act on a resolution of the Town Council of the Town of Hickory Creek, Texas hereby authorizing the Mayor of the Town of Hickory Creek, Texas to execute an amendment to an agreement by and between the Town of Hickory Creek, Texas and DFW Boat Charters, LLC.

Motion made by Councilmember Gibbons to deny the request by DFW Boat Charters, LLC to amend the agreement, Seconded by Councilmember DuPree.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

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16. First reading of a resolution of the Town Council of the Town of Hickory Creek, Texas, approving a performance agreement by and between the Hickory Creek Economic Development Corporation, and Hard Sun V, a Texas limited liability company, for economic development purposes, authorized pursuant to Sections 501.103, 501.52 and 505.158 of the Texas Local Government Code.
17. Second reading of a resolution and consider and action of a resolution of the Town Council of the Town of Hickory Creek, Texas, approving a performance agreement by and between the Hickory Creek Economic Development Corporation, and Hard Sun V, a Texas limited liability company, for economic development purposes, authorized pursuant to Sections 501.103, 501.52 and 505.158 of the Texas Local Government Code.

Motion made by Councilmember Theodore to approve a resolution of the Town Council of the Town of Hickory Creek, Texas, approving a performance agreement by and between the Hickory Creek Economic Development Corporation, and Hard Sun V, a Texas limited liability company, for economic development purposes, authorized pursuant to Sections 501.103, 501.52 and 505.158 of the Texas Local Government Code, Seconded by Councilmember Gordon.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

18. Discussion regarding a proposal from Halff Associates, Inc. concerning Hickory Creek Amphitheater project.

Discussion was held regarding the Amphitheater project.

19. Discussion regarding future implementation of Pratt Property.

Discussion was held regarding the future implementation of Pratt Property.

20. Discussion regarding golf cart routes in the Town of Hickory Creek and surrounding communities.

Discussion was held regarding golf cart routes in the Town of Hickory Creek and surrounding communities.

Executive Session

In accordance with Texas Local Government Code, Chapter 551, the Town Council convened into executive session at 7:51 p.m. to discuss the following matters.

Section 551.071

Consultation with Attorney on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, or on matters pertaining to pending or contemplated litigation.

Section 551.074

Personnel matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee.

21. Police Department Personnel

Reconvene into Open Session

The Town Council reconvened into open session at 9:58 p.m.

22. Discussion and possible action regarding matters discussed in executive session.

No action taken.

Future Agenda Items

The following items were requested: Animal Services programs and procedures, Saturday and Sunday patrol of parks regarding parking issues, golf cart trails.

Adjournment

Motion made by Mayor Pro Tem Kenney to adjourn the meeting, Seconded by Councilmember Theodore.

Voting Yea: Councilmember Gibbons, Councilmember DuPree, Councilmember Gordon, Mayor Pro Tem Kenney, Councilmember Theodore. Motion passed unanimously.

The meeting did then stand adjourned at 10:39 p.m.

Approved:

Attest:

Lynn C. Clark, Mayor
Town of Hickory Creek

Kristi K. Rogers, Town Secretary
Town of Hickory Creek